

# UNITED STATES DISTRICT COURT

for

## Middle District of Pennsylvania/Harrisburg

### **Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Rodney J. Miller

**Case Number:** 1:CR-00-106

**Name of Sentencing Judicial Officer:** The Honorable Yvette Kane, Chief U.S. District Judge

**Date of Original Sentence:** October 19, 2000

**Original Offense:** Possession of Firearms by a Convicted Felon, 18 USC § 922(g)

**Original Sentence:** 90 months imprisonment, 3 years supervised release

**Maximum Sentence Upon Revocation:** 2 years imprisonment, 3 years supervised release

**Type of Supervision:** Supervised release

**Date Supervision Commenced:** February 9, 2007

**U.S. Attorney:** James Clancy

**Defense Attorney:** R. Mark Thomas

---

### **PETITIONING THE COURT**

☐ To issue a warrant

☒ To issue a summons

The probation officer believes that the offender has violated the following conditions of supervision:

#### **Violation Number**

#### **Nature of Noncompliance**

#### **General Condition**

**“The defendant shall not commit another federal, state, or local crime.”**

On March 26, 2008, Mr. Miller was issued citations by the Hanover Borough Police Department, Hanover, PA. The citations charge Mr. Miller with criminal trespass and disorderly conduct. A police report prepared by the Hanover Police Department revealed that during the evening of March 25, 2008, the Hanover Police Department received an emergency call from the Winner Circle Bar in Hanover, PA. The caller, Rachel McDannell, who worked at the bar, reported that someone who had been previously banned from the establishment was in the bar and had a handgun. McDannell advised police that the subject tried to force his way into the bar, but did not threaten anyone with the firearm.

When officers arrived at the bar, the suspect was not there. McDannell informed officers that the subject was Rodney Miller and that he had been banned from the business. McDannell stated that she asked Miller to leave the bar and he became confrontational. She related that Miller hit a customer and pushed another customer, then left. Miller reportedly returned a short time later, entered the bar, and yelled "anyone want to fuck with me now." Miller was observed by a another witness to be in possession of a small chrome pistol that was tucked into his waistband. The report reflects that Miller then left the bar. Officers interviewed another witness, Jason Tutluwskie, who stated that when Miller left the first time he punched him in the face and pushed another man to the ground. He advised that Miller punched him two more times and then left. Tutluwskie also observed a gun in Miller's waistband when he returned to the bar.

On June 10, 2008, in York County, PA, Mr. Miller was convicted of defiant trespass and disorderly conduct - engage in fighting. He was fined \$716.

**Special Condition**

**"The defendant shall participate in mental health treatment as directed by the probation officer."**

On November 30, 2007, Mr. Miller was referred to Adams-Hanover Counseling Services, Hanover, PA for a mental health evaluation. Mr. Miller attended an intake appointment on January 11, 2008, at which time he was hostile and uncooperative. On January 23, 2008, Mr. Miller went to another counseling appointment and was angry and hostile, and informed the clinician that he did not want to be in there. Mr. Miller then refused services and left the counseling offices.

**U.S. Probation Officer Recommendation:**

☒ The term of probation supervision should be

☒ revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2008

  
\_\_\_\_\_  
Mark A. Buckwalter  
U.S. Probation Officer

**THE COURT ORDERS:**

☐ No action

☒ The issuance of a summons.

☐ The issuance of a warrant, to be sealed until the defendant's arrest.

☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer  
\_\_\_\_\_  
Date